

(e) Also in "justifying" his position, Examiner states that:

"It would be equally as obvious to use the Neumann et al track power distribution means in lieu of the Spira et al transmission line distribution means 36".

In non-conformance with MPEP 706.02, this statement by Examiner constitutes a mere unsupported assertion, and is therefore totally inadequate as an explanation.

In this connection, Applicant points out to Examiner that Capewell makes a very special point of the significance of using his particular type of transmission line (column 5, lines 23-68 and column 6, lines 1-11); which makes it particularly unlikely that a person of ordinary skill in the art relevant hereto should find it obvious to exchange Capewell's transmission line with a power track of the kind used with track lighting systems.

(f) Examiner has failed to provide evidence to the effect that his alleged obvious combination of Capewell with Kivari and Neumann would have utility, let alone advantage.

CONCLUDING REMARKS

From Examiner's office action, it is clear to Applicant that Examiner does not possess ordinary skill in the art to which this patent application pertains; and

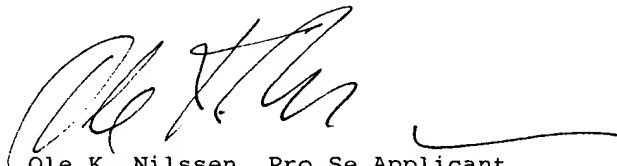
Applicant herewith makes an official allegation to the effect that Examiner does not possess ordinary skill in the art relevant to the proper examination of this application.

Clearly, without possessing ordinary skill in the art to which a given subject matter belongs, it is meaningless -- with respect to that given subject matter -- for a person to render judgements in respect to: i) what is obvious and what is unobvious, ii) what is usual and what is unusual, iii) what is common practice and what is not, iv) what is safe practice and what is not, v) what is feasible to do and what is not, vi) what is practicable and what is not, vii) what works and what does not, viii) what kinds of circuits and/or elements are combinable and what kinds are not, ix) how circuits function and how they do not function, x) what may be regarded as prima facie so versus prima facie not so; xi) what is factually so versus what is factually not so; xii) etc.; etc.

Hence, if Examiner does not possess ordinary skill in the art relevant to the examination of instant application and the subject matter claimed therein, he is simply not qualified to render judgements relative to what is obvious and/or what is unobvious.

Except if Examiner were to provide credible evidence to the effect that he does possess ordinary skill in the art relevant to the proper examination of this application and its claimed subject matter, Applicant will proceed in the prosecution on the basis that Examiner has acknowledged Applicant's allegation to the effect that Examiner does not possess ordinary skill in the art relevant to the proper examination of this application and the subject matter claimed therein.

In view of the arguments and amendments presented hereinabove, all the claims are clearly allowable over the cited prior art.


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